

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of
Burbank et al.

Examiner: Joseph M. Pelham

Group Art Unit: 3742

For: TISSUE SITE MARKERS FOR IN VIVO
IMAGING

Serial No.: 10/823,053

Filed: April 12, 2004

TERMINAL DISCLAIMER

Atty. Docket No.: R0367-01602

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.8

I hereby certify that this paper is being deposited via Facsimile at (703) 872-9306 and is addressed to Mail Stop Amendment, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Joseph M. Pelham on May 17, 2005 in San Francisco, CA

By: ant

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Edward J. Lynch, am an attorney representing the Assignee, SenoRx, Inc. The assignee is the registered owner of all right, title and interest in and to the above-identified application.

The terminal portion of any patent which is granted on the above-identified application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,725,083 is hereby disclaimed on behalf of the Assignee, SenoRx, Inc.

It is hereby agreed that any patent granted on the above-identified application shall be enforceable only for and during such period that the legal title to any patent granted on the above-identified application shall be the same as the legal title to U.S. Patent No. 6,725,083. This agreement shall run with any patent granted on the above-identified application and shall be binding upon the grantor, its successors or assigns.

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Serial No. 10/823,053
Atty. Docket No. R0367-01602

No disclaimer is hereby made on any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,725,083 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Dated: May 16, 2005


Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

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FACSIMILE TRANSMITTAL SHEET

TO: EXAMINER JOSEPH M. PELHAM

FIRM/COMPANY: Commissioner for Patents

FACSIMILE NUMBER: (703) 872-9306

CONFIRMATION
TELEPHONE:

FROM: Ruth Der, Paralegal

DIRECT DIAL: 415.371.2231

DATE: May 17, 2005

USER NUMBER:

FILE NUMBER: Atty. Docket No. R0367-01602, Serial No. 10/823,053

TOTAL # OF PAGES: 13
(INCLUDING COVERSHEET)

MESSAGE: Attached are *Information Disclosure Statement And Response To Office Action Mailed 01/27/2005, Terminal Disclaimer, Form PTO1449, and Supplemental Associate Power of Attorney.*

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) Examiner: Joseph M. Pelham

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For: **TISSUE SITE MARKERS FOR IN VIVO
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Serial No.: 10/823,053

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CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application are
 - X Amendment and Information Disclosure Statement and Response To Office
Action Mailed 01/27/2005;
 - X Terminal Disclaimer;
 - X Form PTO-1449; and
 - X Supplemental Associate Power Of Attorney.
2. Fees Due
 - X Terminal Disclaimer; \$65.
 - X Request for extension of time for one (1) month to respond from April 27, 2005 to
May 27, 2005 pursuant to 37 CFR §1.17(a)(1), \$60.

Total Fees Due \$125.
3. Payment of Fees
 - X The Commissioner is authorized to charge any fees and to credit any
overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to
Deposit Account No 04-1679, referencing Atty. Docket No. R0367-01602. A
duplicate copy of this transmittal is enclosed for this purpose.

Respectfully submitted,

By: Edward J. Lynch
Registration No. 24,422
Attorney for Applicants

05/18/2005 YPOLITE1 00000009 041679 10823053

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